

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal Lodging No.1071 of 2003

in

Writ Petition No.2618 of 2003

State of Mah and ors....Appellants

VS

Sinami Rajan and ors..Respondents

Mr. Milind More AGP for appellants

Mr.C.J.Sawant Sr Counsel with N N Bhadrashete for
respondent nos.1,7,9, and 11

CORAM: A.P.SHAH & S.J.VAZIFDAR JJ.

Dated 25.2.2005

P.C:

Heard advocates.

. By consent of the learned counsel appearing for the parties the impugned order passed by the learned single Judge dated 21/22-7-2003 is set aside and following order is passed:

i) The appellants shall pay cost of Rs.10,000 to each one of the respondents or to respondent no 14, cooperative society formed by respondent nos.1 to 13 to enable the respondent nos.1 to 3 and/or respondent no.14 to reconstruct the rooms of respondent nos.1 to 13.

ii) The respondent nos.1 to 13 shall be entitled to reconstruct the rooms individually or through respondent no.14 in the same manner as they were in existence prior to the demolition and use and occupy the same.

iii) In the event the appellants propose to take action for eviction of the respondents, the respondents shall be given opportunity of personal hearing and the appellants shall pass a reasoned order.

iv) In the event of such order being adverse to the respondents, appellants shall not act upon the same and give effect to the said order for a period of 8 weeks from the date of service of such order on the respondents and respondents shall be at liberty to adopt appropriate proceedings to challenge such order or to protect their interest.

v) The respondents undertake to apply for withdrawal of the suit being Suit No.3910 of 2002 filed in the Bombay City Civil Court, Bombay.

vi) All contentions on merits are left open to the parties.

. In view of the consent order and in view of the fact that the learned AGP has tendered unconditional apology on behalf of the concerned officers the directions for initiation of contempt proceedings against the appellant nos. 4 and 6 and Mr. Salvi is set aside and the contempt proceeding is hereby dropped.

Appeal is disposed of accordingly with no order as to costs.